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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 JOHN MILLER,  
10 Petitioner,  
11 vs.  
12 A. COX, et al.,  
13 Respondents.  
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Case No. 3:08-CV-00599-HDM- (RAM)  
**ORDER**

15 The Court ordered (#3) Petitioner to file an application  
16 to proceed in forma pauperis or to pay the filing fee. Petitioner  
17 has not complied within the allotted time.

18 IT IS THEREFORE ORDERED that this action is **DISMISSED**  
19 without prejudice for Petitioner's failure to comply with the  
20 Court's Order (#3). The Clerk of the Court shall enter judgment  
21 accordingly.

22 DATED: January 6, 2009.

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25 HOWARD D. MCKIBBEN  
26 United States District Judge  
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